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Patent

Attorney's Docket No. 021480-679

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Ashok R. Thakrar et al.)

Application No.: 09/986,709)

Filed: November 9, 2001)

For: COLORED CONTACT LENSES)
AND METHOD OF MAKING SAME)

Group Art Unit: 1615

Examiner: Carlos A. Azpuru

Confirmation No.: 5890

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AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit the following amendment in response to the Office Action of July 16, 2002. Also filed herewith are Terminal Disclaimers for U.S. Patent Nos. 6,284,161 (identified in text of Office Action as 6,248,161) and 6,337,040.

REMARKS

Claims 52-77 were rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,284,161. In addition, claims 78-80 were also rejected under the same doctrine as being unpatentable over claims 7-9 of U.S. Patent No. 6,337,040. Applicants submit that the reasons set forth for the rejections are not tenable and reserve the right to present arguments and other evidence in any related case, including continuing applications of the present case.

However, to facilitate prosecution of the present case, Applicants submit the attached Terminal Disclaimers with respect to both issued patents. It should be noted that the two

cited patents, as well as the present application, are owned entirely by Novartis Pharma GB.

For the foregoing reasons, Applicants submit that the pending claims define novel and non-obvious subject matter.

In the event that there are any questions concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

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